

TITLE 2: NATURAL RESOURCES
DIVISION 1: MARITIME AND COASTAL RESOURCES

§ 1223. License, Lease or Permit; Approval by Legislature; No Freehold Interest; Public Hearing Required.

Prior to the issuance of any permit or exploration license or development lease, or lease for water and non-water-dependent uses of submerged lands, the director shall submit the terms and conditions of the license, lease, or permit to the presiding officers of both houses of the legislature and the legislature shall have the exclusive right to approve, disapprove or modify the provisions of any such exploration license, development lease, or lease of water or non-water-dependent use of submerged lands, or permit to extract petroleum deposits or mineral deposits. Approval, disapproval or approval with modifications shall be by law. A public hearing shall be held on the bill for an act proposing the approval, disapproval or approval with modifications any such lease, license or permit in at least one house of the legislature. Notice of public hearing on said bill for an act shall be widely publicized stating the title of the bill; the terms, conditions and length of the lease, license or permit; and the date, time and place of the public hearing. The director shall issue a license, lease or permit within 30 days after the effective date of the law approving such license, lease or permit. Provided, however, that the director and the department shall grant no freehold interest in submerged lands. The director and the department may not transfer to any private person, commercial partnership or corporation an interest in submerged lands that exceeds 25 years, including renewal rights. An extension of not more than 15 years may be given upon approval by three-fourths of the members of the legislature. It shall not be timely to request such 15 year extension until the last five years of the principle lease.

Source: PL 1-23, § 6; amended by PL 6-13, § 2, art. 2 (§ 1223).

Commission Comment: With respect to the references to the “director” of the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.